

Amendments to House Bill No. 410  
1st Reading Copy

Requested by Representative Ted Washburn

For the House State Administration Committee

Prepared by Sheri Scurr  
February 20, 2013 (2:09pm)

1. Title, page 1, line 5 through line 11.

**Strike:** "PROHIBITING" on line 5 through "APPLICATIONS;" on line 11

**Insert:** "AND"

2. Title, page 1, line 12 through line 15.

**Following:** "REGISTRARS" on line 12

**Strike:** remainder of line 12 through "MCA" on line 15

**Insert:** "CONCERNING MAILING OUT AND RETURNING VOTER REGISTRATION  
AND ABSENTEE BALLOT APPLICATIONS"

3. Page 1, line 18 through line 29.

**Strike:** ";" on line 18 through "process" on line 29

4. Page 2.

**Following:** line 1.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Short title. [Sections 1 through 4] may be cited as the "Montana Third-Party Voter Registration Integrity Act"."

**Insert:** "NEW SECTION. Section 2. Definitions. As used in [sections 1 through 4], the following definitions apply:

(1) "Campaign literature" means material that advocates the success or defeat of a candidate, political party, or ballot issue.

(2) "Third-party registrar" means a person, other than an election official, who is supporting an organized effort to register voters or to assist voters in applying for absentee ballots."

**Insert:** "NEW SECTION. Section 3. Prohibitions concerning mailings. A third-party registrar may not mail a voter registration or absentee ballot application in the same envelope as campaign literature if the envelope is marked to resemble a mailing from an election office."

**Insert:** "NEW SECTION. Section 4. Return of voter registration and absentee ballot applications. A third-party registrar may not mail or advise an applicant to mail a voter registration or absentee ballot application to any address other than the county election administrator's address in the applicant's county of residence."

(over)  
1

Insert: "NEW SECTION. Section 5. {standard} Codification  
instruction. [Sections 1 through 4] are intended to be codified  
as an integral part of Title 13, chapter 35, and the provisions  
of Title 13, chapter 35, apply to [sections 1 through 4]."

- END -

## HOUSE BILL NO. 410

INTRODUCED BY T. WASHBURN

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA THIRD-PARTY VOTER REGISTRATION INTEGRITY ACT; PROHIBITING PAYMENTS OR ACCEPTANCE OF PAYMENTS BASED ON THE NUMBER OF VOTERS REGISTERED OR VOTER APPLICATIONS COLLECTED OR SUBMITTED; PROHIBITING THE CONCEALMENT OR DEFAACEMENT OF VOTER REGISTRATION OR ABSENTEE BALLOT APPLICATIONS; REQUIRING A PERSON TO SUBMIT A VOTER REGISTRATION OR ABSENTEE BALLOT APPLICATION WITHIN 3 BUSINESS DAYS; PROVIDING REQUIREMENTS RELATED TO VOTER REGISTRATION OR ABSENTEE BALLOT APPLICATIONS AND NONCONFORMING VOTER REGISTRATION OR ABSENTEE BALLOT APPLICATIONS; ESTABLISHING REQUIREMENTS FOR THIRD-PARTY REGISTRARS; PROVIDING A PENALTY FOR NONCOMPLIANCE WITH CERTAIN PROVISIONS; PROVIDING FOR UNIFORM VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS AND OTHER FORMS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 13-1-210, 13-2-110, 13-13-212, 13-21-202, AND 13-21-210, MCA."

WHEREAS, the purpose of third-party voter registration organizations and individuals is to deliver voter registration and absentee ballot documentation, and the integrity of these organizations and individuals is critical and

WHEREAS, third-party voter registration organizations and individuals are in possession of sensitive personal information, and potential voters should have a record of the persons entrusted with this data; and

WHEREAS, the purpose of third-party voter registration organizations and individuals is to register eligible voters, but paying registrars for each registration may provide an inducement to provide less-than-accurate information; and

WHEREAS, third-party voter registration integrity will be preserved with timely, accurate information delivered to the county administration offices and by educating potential voters on the system used to verify their voter registration; and

WHEREAS, uniform registration and absentee ballot applications approved by the Montana Secretary of State ensure uniform information and streamline the voter registration and absentee ballot application process.

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

2  
3 **NEW SECTION.** **Section 1. Short title.** [This act] may be cited as the "Montana Third-Party Voter  
4 Registration Integrity Act".  
5

6 **NEW SECTION.** **Section 2. Third-party registrar defined.** (1) Except as provided in subsection (2),  
7 the term "third-party registrar" means a person, entity, or organization collecting voter registration or absentee  
8 ballot applications from applicants. The term includes but is not limited to a national or state organization, political  
9 party, political action committee, campaign, candidate, individual, nonprofit organization, or other person engaged  
10 in the collection of voter registration or absentee ballot applications.

11 (2) The term "third-party registrar" does not include the following:

12 (a) any person distributing but not collecting valid voter registration or absentee ballot applications;

13 (b) any individual who seeks to register to vote on behalf of or collect a voter registration application from  
14 that individual's spouse, child, or parent;

15 (c) any state or federal government agency, department, division, or office or its agents or employees  
16 acting in an official capacity;

17 (d) any local election administration or its agents or employees acting in an official capacity;

18 (e) any office of the city clerk as provided in 7-4-4101 or office of the county clerk as provided in 7-4-2203  
19 or other municipal clerk's office or its agents or employees acting in an official capacity;

20 (f) any government entity that serves individuals with disabilities, provides public assistance, or provides  
21 unemployment compensation or its agents or employees acting in an official capacity;

22 (g) any public library, public school, or nonpublic school, university, or college receiving federal funding  
23 or its agents or employees acting in an official capacity; and

24 (h) any other government entity designated as a voter registration agency as provided in 13-2-221 or  
25 by the secretary of state.  
26

27 **NEW SECTION.** **Section 3. Payment for voter registration prohibited.** A person may not pay or  
28 otherwise compensate any other person for registering voters based on the number of:

29 (1) voters registered by the other person;

30 (2) voter registration applications collected by the other person; or

(3) voter registration applications submitted to election officials by the other person.

**NEW SECTION. Section 4. Acceptance of payment for registration prohibited.** A person may not receive or accept payment or any other compensation from any other person for registering voters based on the number of:

(1) voters registered by the person receiving or accepting payment or other compensation;

(2) voter registration applications collected by the person receiving or accepting payment or other compensation;

(3) voter registration applications submitted to election officials by the person receiving or accepting payment or other compensation.

**NEW SECTION. Section 5. Prohibition on destroying, defacing, or concealing voter registration or absentee ballot applications -- election administrator disposal.** (1) A person who agrees or offers to submit any voter registration or absentee ballot application for another person may not knowingly destroy, deface, or conceal a completed application.

(2) An election administrator may receive and properly dispose of a blank application or any application that contains insufficient information for it to be processed. An election administrator may properly dispose of processed applications according to retention schedules adopted by the secretary of state.

**NEW SECTION. Section 6. Requirements for submitting voter registration application.** Except for an individual who registers in person or who seeks to register to vote on behalf of or collect a voter registration application from that individual's spouse, child, or parent, any person submitting a voter registration or absentee ballot application to the county election administrator shall hand deliver or postmark the voter registration or absentee ballot application to the election administrator within 3 business days of the applicant's date of signature.

**NEW SECTION. Section 7. Application date stamp.** (1) Upon receipt of a voter registration or absentee ballot application, the election administrator shall stamp or handwrite upon it:

(a) the date received if delivered by hand or if there is no postmark; or

(b) the postmarked date if delivered by mail.

1 (2) If the election administrator handwrites the information as provided in subsection (1)(a), the election  
2 administrator shall also place the administrator's initials next to the handwritten date.

3

4 **NEW SECTION. Section 8. Prohibition on using or providing nonconforming voter registrations**  
5 **or absentee ballot applications -- exceptions.** (1) Except as provided by subsection (2), a person shall use  
6 a voter registration or absentee ballot application in the uniform formats as provided in 13-1-210.

7 (2) Voter registration authorized under 13-2-221, 13-21-201, 13-21-203, and 61-5-107 and as provided  
8 for in federal law may be accomplished using standard formats other than the uniform formats. A person  
9 registering to vote pursuant to these provisions is authorized to use other formats approved by the secretary of  
10 state or pursuant to federal law.

11 (3) A person distributing voter registration or absentee ballot applications may distribute only the uniform  
12 forms authorized in 13-1-210.

13

14 **NEW SECTION. Section 9. Registration identification requirement.** A third-party registrar shall  
15 legibly print or stamp the name of the campaign, candidate, organization, or individual collecting the forms on the  
16 voter registration or absentee ballot application in the designated area. A third-party registrar may not print or  
17 stamp any third-party information outside the designated area.

18

19 **NEW SECTION. Section 10. Required third-party registrar disclosures to registrants.** (1) If a  
20 third-party registrar attempts to collect a form from a voter registration or absentee ballot applicant, the third-party  
21 registrar shall provide the following to the applicant:

22 (a) instructions on how to verify the applicant's voter registration or absentee ballot status through the  
23 secretary of state's website;

24 (b) the third-party registrar's contact information, including the organizational name if affiliated with an  
25 organization, the name of the individual registrar, and the third-party registrar's phone number, mailing address,  
26 and e-mail address; and

27 (c) an explanation of the 3-day return requirement provided in [section 6].

28 (2) All contact information provided by a third-party registrar pursuant to subsection (1)(b) must remain  
29 viable up to and including the date of the general election.

30

**NEW SECTION. Section 11. Return of applications.** All third-party registrar voter registration and absentee ballot applications must be returned to the county election administrator for the county in which the applicant resides. Any third-party registrar providing an applicant with mailing instructions, other than as provided on a uniform form, regarding the return of a voter registration or absentee ballot application may not provide any return address other than the county election administrator's address for the applicant's county of residence.

**NEW SECTION. Section 12. Obstruction of voter registration.** Any person that violates the provisions of [sections 3 through 5 or 8] or any third-party registrar, as defined in [section 2], or its agents that violate the provisions of [sections 9 through 11] are guilty of obstruction of voter registration and upon conviction shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

**Section 13.** Section 13-1-210, MCA, is amended to read:

**"13-1-210. Standard Uniform application form forms for voter registration and absentee ballot requests.** (1) The secretary of state ~~shall~~ may establish by rule a ~~standard uniform application form~~, forms to be used by each election administrator; that ~~allows~~ allow an individual to apply for voter registration, ~~and~~ to request to be added to the absentee ballot list in order to receive ballots for subsequent elections, or both. The secretary of state may adopt other reasonable uniform forms to accomplish voter registration or absentee ballot requests as necessary.

(2) Pursuant to 13-13-212(4), the absentee ballot application portion of the ~~standard uniform form~~ forms must include substantially the following language and options:

Optional: I request an absentee ballot to be mailed to me for as long as I reside at the address listed:

☐ for each subsequent election in which I am eligible to vote; or

☐ for each subsequent federal election in which I am eligible to vote.

I understand that in order to continue to receive an absentee ballot, I must complete, sign, and return a confirmation form that will be mailed to me in January of each year.

(3) The forms must also provide:

(a) pursuant to [section 6], a signature date;

(b) pursuant to [sections 6 and 7], a conspicuous notification regarding the 3-day return requirements;

and

(c) pursuant to [section 9], a designated area for third-party registrar information."

1  
2 **Section 14.** Section 13-2-110, MCA, is amended to read:

3 **"13-2-110. Application for voter registration -- sufficiency and verification of information --**

4 **identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in person or by mail,  
5 postage paid, by completing and signing the ~~standard~~ uniform application ~~form~~ for voter registration provided for  
6 in 13-1-210 and providing the application to the election administrator in the county in which the elector resides.

7 (2) Each application for voter registration must be accepted and processed as provided in rules adopted  
8 under 13-2-109.

9 (3) Except as provided in subsection (4):

10 (a) an applicant for voter registration shall provide the applicant's Montana driver's license number; or

11 (b) if the applicant does not have a Montana driver's license, the applicant shall provide the last four  
12 digits of the applicant's social security number.

13 (4) (a) If an applicant does not have a Montana driver's license or social security number, the applicant  
14 shall provide as an alternative form of identification:

15 (i) a current and valid photo identification, including but not limited to a school district or postsecondary  
16 education photo identification or a tribal photo identification, with the individual's name; or

17 (ii) a current utility bill, bank statement, paycheck, government check, or other government document that  
18 shows the individual's name and current address.

19 (b) The alternative form of identification must be:

20 (i) an original version presented to the election administrator if the applicant is applying in person; or

21 (ii) a copy of any of the required documents, which must be enclosed with the application, if the applicant  
22 is applying by mail.

23 (5) (a) If information provided on an application for voter registration is sufficient to be accepted and  
24 processed and is verified pursuant to rules adopted under 13-2-109, the election administrator shall register the  
25 elector as a legally registered elector.

26 (b) If information provided on an application for voter registration was sufficient to be accepted but the  
27 applicant failed to provide the information required in subsection (3) or (4) or if the information provided was  
28 incorrect or insufficient to verify the individual's identity or eligibility to vote, the election administrator shall register  
29 the applicant as a provisionally registered elector.

30 (6) Each applicant for voter registration must be notified of the elector's registration status pursuant to



rules adopted under 13-2-109.

(7) The secretary of state shall assign to each elector whose application was accepted a unique identification number for voting purposes and shall establish a statewide uniform method to allow the secretary of state and local election officials to distinguish legally registered electors from provisionally registered electors.

(8) The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-221, 13-21-201, 13-21-203, and 61-5-107 and as provided for in federal law."

**NEW SECTION. Section 15. Acceptance of nonconforming voter registration or absentee ballot applications -- notification.** (1) Except as provided in subsection (2), an election administrator may accept and process any voter registration or absentee ballot application regardless of whether it is in the uniform formats as prescribed in 13-1-210 or whether it is received after the 3-day deadline as provided in [section 6] if the application contains sufficient information for it to be processed.

(2) (a) An election administrator may not accept a voter registration for late registration after the date and time prescribed in 13-2-304.

(b) An election administrator may not process an absentee ballot application for the upcoming election unless received by the administrator within the time period specified in 13-13-211. If an annual absentee ballot application is received after the time period specified in 13-13-211, the election administrator may process the application for the next election cycle.

(3) If a noncompliant voter registration or absentee ballot application is submitted by a third-party registrar as defined in [section 2] to an election administrator, the election administrator shall make a reasonable attempt to notify the third-party registrar that the forms do not comply with the Montana Third-Party Voter Registration Integrity Act established in [sections 1 through 11].

**Section 16.** Section 13-13-212, MCA, is amended to read:

**"13-13-212. Application for absentee ballot -- special provisions -- annual absentee ballot list.**

(1) (a) Except as provided in subsection (1)(b), an elector may apply for an absentee ballot by using a standard uniform application form provided by rule by the secretary of state pursuant to 13-1-210 ~~or by making a written request, which must include the applicant's birth date and must be signed by the applicant.~~ The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

1 (b) A person who holds a power of attorney from an absent uniformed services elector may apply for an  
2 absentee ballot for that election on behalf of the uniformed services elector. The applicant shall provide a copy  
3 of the power of attorney authorizing the request for an absentee ballot along with the application.

4 (2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the  
5 application for an absentee ballot may be made by written request signed by the elector at the time that the ballot  
6 is delivered in person by the special absentee election board provided for in 13-13-225.

7 (b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and  
8 application personally delivered by the special absentee election board at the elector's place of confinement,  
9 hospitalization, or residence within the county.

10 (c) A request under this subsection (2) must be received by the election administrator within the time  
11 period specified in 13-13-211(2).

12 (3) An elector who has made a request for an absentee ballot by one of the methods provided in this  
13 section may, in the event of the death of a candidate after the primary election but before the general election,  
14 make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election  
15 administrator.

16 (4) (a) An elector may at any time request to be mailed an absentee ballot for each subsequent election  
17 in which the elector is eligible to vote or only for each subsequent federal election in which the elector is eligible  
18 to vote for as long as the elector remains qualified to vote and resides at the address provided in the initial  
19 application. The request may be made when the individual applies for voter registration using the ~~standard~~ a  
20 uniform application form provided for in 13-1-210.

21 (b) The election administrator shall annually mail a forwardable address confirmation form to each elector  
22 who has requested an absentee ballot for subsequent elections. The address confirmation form must be mailed  
23 in January. The address confirmation form is for elections to be held between February 1 following the mailing  
24 through January of the succeeding year. The elector shall sign the form, indicate the address to which the  
25 absentee ballot should be sent, and return the form to the election administrator. If the form is not completed and  
26 returned, the election administrator shall remove the elector from the annual absentee ballot list.

27 (c) An elector who has been removed from the annual absentee ballot list may subsequently request to  
28 be mailed an absentee ballot for each subsequent election.

29 (5) In a mail ballot election, ballots must be sent under mail ballot procedures rather than under the  
30 absentee ballot procedures set forth in subsection (4).

1 (6) An election administrator shall process an absentee ballot application as provided in [section 15]."

2  
3 **Section 17.** Section 13-21-202, MCA, is amended to read:

4 **"13-21-202. Classification of applications for regular absentee ballots -- notification of elector.**

5 (1) Upon receipt by the election administrator of an application by a United States elector for a regular absentee  
6 ballot pursuant to 13-13-212 or 13-21-210, the election administrator shall:

7 (a) classify the application according to the precinct in which the elector resides or, if the information is  
8 insufficient to determine precinct of residence, assign an appropriate precinct;

9 (b) immediately enter all information in the registration records of the office and either file the federal post  
10 card application with regular uniform registration forms or file a photocopy attached to a regular uniform  
11 registration form on which the information has been entered. This information is sufficient to meet any  
12 identification requirements provided by law for an elector.

13 (c) send to the applicant by the fastest mail service available, which may include facsimile transmission  
14 or electronic mail, a notice that the elector has been registered and informing the elector that a regular absentee  
15 ballot is enclosed or that the elector will be mailed a regular absentee ballot for that election or for the next  
16 election in which the elector is entitled to vote under subsection (1) or, if the application is rejected, a notice that  
17 the application has been rejected and the reasons for the rejection.

18 (2) The election administrator may use photocopies of the federal post card application to complete all  
19 necessary records."

20  
21 **Section 18.** Section 13-21-210, MCA, is amended to read:

22 **"13-21-210. Application for absentee ballots -- rulemaking.** (1) (a) A United States elector may apply  
23 for a regular absentee ballot as follows:

24 ~~— (i) by making a written request, which must include the elector's birth date and signature;~~

25 ~~(ii)(i)~~ (i) by properly completing, signing, and returning to the election administrator the federal post card  
26 application;

27 ~~(iii)(ii)~~ (ii) by making an electronic request that includes the elector's birth date and affirmation of the voter's  
28 eligibility to vote under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, et seq.; or

29 ~~(iv)(iii)~~ (iii) by submitting to the election administrator the standard uniform application form provided for in  
30 13-1,210 when registering to vote.

(b) A person who holds a power of attorney from an absent uniformed services elector may apply for an absentee ballot for that election on behalf of the uniformed services elector. The applicant shall provide a copy of the power of attorney authorizing the request for an absentee ballot along with the application.

(2) An application for a regular absentee ballot must be received by the appropriate county election administrator by the time specified in 13-2-304 for late registration.

(3) An application under this section is valid for all federal, state, and local elections in the calendar year in which the application is made unless an elector requests to be mailed an absentee ballot for each subsequent election in which the elector is eligible to vote or only for each subsequent federal election in which the elector is eligible to vote for as long as the elector remains eligible to vote and resides at the address provided in the initial application.

(4) If an elector fails to provide the address confirmation required by 13-13-212, the elector must be removed from the annual absentee ballot list. An elector who is removed from the annual absentee ballot list will continue to receive absentee ballots during the period covered in the elector's initial application under this section.

(5) The elector's county election administrator shall provide the elector with a regular absentee ballot for the elections described in subsection (3) as soon as the ballots are printed, but not later than 45 days before either a federal primary election, federal general election, or federal special election.

(6) Pursuant to [section 15], an election administrator may process nonconforming applications for absentee ballots that contain information sufficient to process the application. The secretary of state may adopt rules regarding the sufficiency of nonconforming forms for the purpose of processing an application."

**NEW SECTION. Section 19. Codification instruction.** (1) [Sections 1 through 11] are intended to be codified as an integral part of Title 13, chapter 2, and the provisions of Title 13, chapter 2, apply to [sections 1 through 11].

(2) [Section 12] is intended to be codified as an integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to [section 12].

(3) [Section 15] is intended to be codified as an integral part of Title 13, chapter 2, part 2, and the provisions of Title 13, chapter 2, part 2, apply to [section 15].

**NEW SECTION. Section 20. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

1 the part remains in effect in all valid applications that are severable from the invalid applications.

2 - END -

→ INSERT ~~THE~~

Sec. 1

Sec. 2

Sec. 3

Sec. 4

Sec. 5

